

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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 v.) No. 05-CR-30042-MLW
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)
 CESAR CRUZ)
 and)
 RICARDO DIAZ,)
 Defendants.)

GOVERNMENT'S SECOND NOTICE OF INTENT TO PRESENT CERTAIN EVIDENCE
SUBJECT TO FEDERAL RULE OF EVIDENCE 404(b)

The United States hereby gives notice that at trial it intends to present the following evidence of prior crimes, wrongs or acts, for the purpose of proving motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident:

1. The Defendant Cruz's prior convictions for distribution of controlled substances in Massachusetts state court.

On March 13, 1995 the Defendant was convicted of four counts of distribution of controlled substances (cocaine and/or heroin) and one count of distribution of cocaine and heroin in a school zone.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney